

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

WILLIE MCNAIR,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	Case No. 2:06-cv-695-WKW
	)	
RICHARD ALLEN, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	
<hr style="width: 40%; margin-left: 0;"/>		
JAMES CALLAHAN,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	Case No. 2:06-cv-919-WKW
	)	
RICHARD ALLEN, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

**PLAINTIFFS' OBJECTIONS TO DEFENDANTS  
DESIGNATION OF DEPOSITION TESTIMONY**

<b>Grantt Culliver</b>	<b>Plaintiffs' Objections</b>
Entire Deposition	FRE 801, 802, FRCP 32. Plaintiffs object to the designation of Grantt Culliver's entire deposition on the basis that such testimony is hearsay as to Defendants and not subject to any exception. Plaintiffs further object to the designation of Grantt Culliver's entire deposition on the basis that it is also inadmissible under Federal Rule of Civil Procedure 32.

  

<b>EMT-1</b>	<b>Plaintiffs' Objections</b>
Entire Deposition	FRE 801, 802, FRCP 32. Plaintiffs object to the designation of EMT-1's entire deposition

	on the basis that such testimony is hearsay as to Defendants and not subject to any exception. Plaintiffs further object to the designation of EMT-1's entire deposition on the basis that it is also inadmissible under Federal Rule of Civil Procedure 32.
--	--

<b>EMT-2</b>	<b>Plaintiffs' Objections</b>
Entire Deposition	FRE 801, 802, FRCP 32. Plaintiffs object to the designation of EMT-2's entire deposition on the basis that such testimony is hearsay as to Defendants and not subject to any exception. Plaintiffs further object to the designation of EMT-2's entire deposition on the basis that it is also inadmissible under Federal Rule of Civil Procedure 32.

<b>DOC-1, DOC-2 and RN</b>	<b>Plaintiffs' Objection</b>
Entire Depositions	FRE 801, 802, FRCP 32. Plaintiffs object to the designation of the entire depositions of DOC-1, DOC-2 and RN on the basis that such testimony is hearsay as to Defendants and not subject to any exception. Plaintiffs further object to the designation of these depositions on the basis that they are also inadmissible under Federal Rule of Civil Procedure 32. Notwithstanding these objections, Plaintiffs expect to resolve the use of these deposition transcripts in lieu of live testimony through negotiations with the Defendants.

<b>DOC-1</b>	<b>Plaintiffs' Objection</b>
39:19-40:02	FRE 611(c). Plaintiffs object to the indicated testimony of DOC-1 on the basis that Defendants' counsel's question is an improper leading question. Objection preserved on deposition transcript.

41:14-41:21	FRE 611(c). Plaintiffs object to the indicated testimony of DOC-1 on the basis that Defendants' counsel's question is an improper leading question. Objection preserved on deposition transcript.
42:06-42:11	FRE 611(c). Plaintiffs object to the indicated testimony of DOC-1 on the basis that Defendants' counsel's question is an improper leading question. Objection preserved on deposition transcript.

<b>RN</b>	<b>Plaintiffs' Objection</b>
27:21-28:01	FRE 611(a). Plaintiffs object to the indicated testimony of RN on the basis that Defendants' counsel's question is an improper question that is vague and ambiguous. Objection preserved on deposition transcript.

Date: September 19, 2007

/s/Vincent R. FitzPatrick, Jr.  
VINCENT R. FITZPATRICK, JR.  
HEATHER K. MCDEVITT  
STEPHANIE COHEN  
Bar Numbers (SDNY):  
VF2907; HM9973; SM7006  
Counsel for Plaintiff Willie McNair

White & Case LLP  
1155 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 819-8200  
Facsimile: (212) 354-8113  
[vfitzpatrick@whitecase.com](mailto:vfitzpatrick@whitecase.com)  
[hmcdevitt@whitecase.com](mailto:hmcdevitt@whitecase.com)  
[stephcohen@whitecase.com](mailto:stephcohen@whitecase.com)

- and -

RANDALL S. SUSSKIND (SUS002)  
CATHLEEN I. PRICE (PRI056)  
Counsel for Plaintiffs Willie McNair  
and James Callahan

Equal Justice Initiative of Alabama  
122 Commerce Street  
Montgomery, AL 36104  
Telephone: (334) 269-1803  
Facsimile: (334) 269-1806  
[rsusskind@ejl.org](mailto:rsusskind@ejl.org)  
[cprice@ejl.org](mailto:cprice@ejl.org)

**CERTIFICATE OF SERVICE**

I certify that on September 20, 2007, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: J. Clayton Crenshaw, James W. Davis, Corey Maze and Jasper Roberts.

/s/ Tricia Marlar

Tricia C. Marlar

White & Case LLP  
1155 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 819-8200  
Facsimile: (212) 354-8113  
[tmalar@whitecase.com](mailto:tmalar@whitecase.com)